

Appl. No. : 10/646,071  
Filed : August 22, 2003

#### REMARKS

The November 14, 2006 Office Action was based upon pending Claims 1-27. This Amendment adds new Claim 28 and amends Claims 1, 8, 11, 17, 22, 23 and 26. Thus, after entry of this Amendment, Claims 1-28 remain pending and are presented for further consideration.

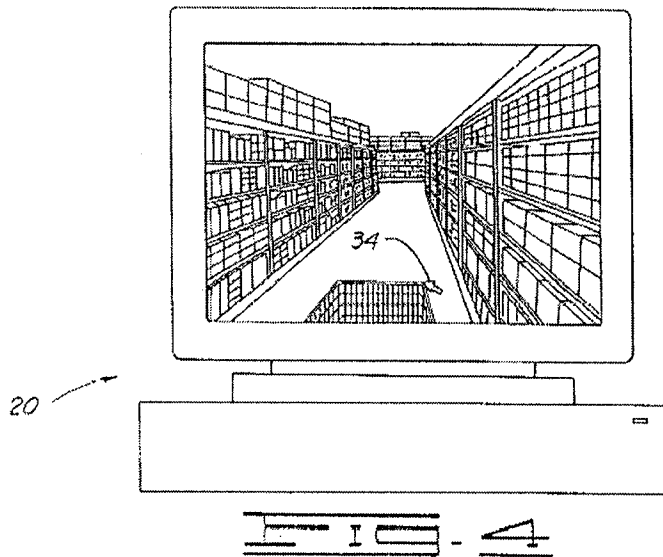
#### Claim Rejections Under 35 U.S.C. § 103(a)

On page 2 of the Office Action, Claims 1-2 and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenney (U.S. Patent No. 6,381,583) in view of Pavlik (U.S. Patent Application Publication No. 2002/0035512). On page 4 of the Office Action, Claims 3-4 and 8-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kenney and Pavlik in view of Hoffman (U.S. Patent Application Publication No. 2002/0178013). Applicant respectfully requests that these rejections are withdrawn for at least the reasons set forth below.

To establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the references when combined must teach or suggest all of the claim limitations. See M.P.E.P. § 2143. The Federal circuit has held that “[t]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness.[...] virtually all [inventions] are combinations of old elements. [internal quotes omitted...] If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention.” *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998). In view of the remarks below, Applicant respectfully maintains that the pending claims are each allowable over the cited art.

Kenney

Kenney discloses that an "interactive electronic shopping system and method create a virtual shopping facility from an actual shopping facility, such as a grocery store, restaurant, or office." *Kenney*, Abstract. Thus, Kenney appears to recreate a physical store as a virtual store

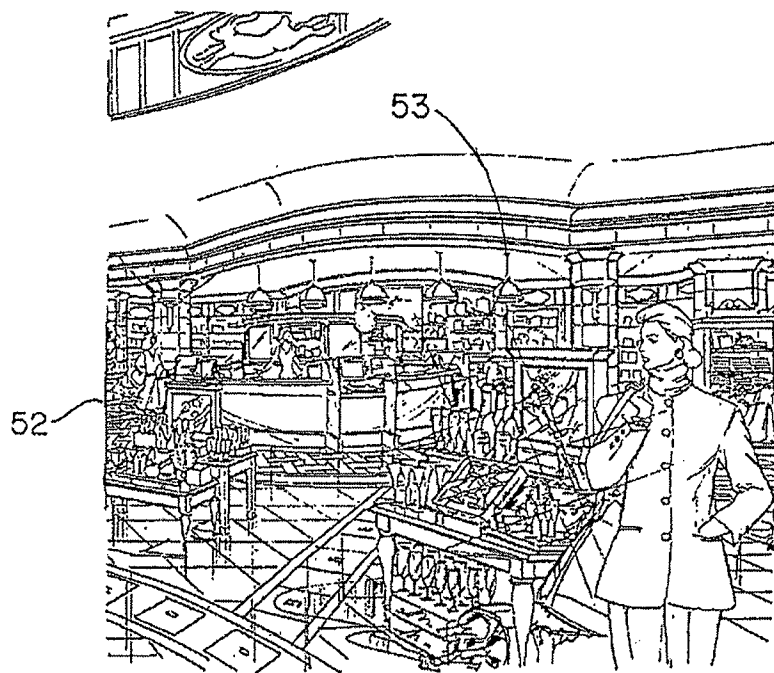


that is accessible on a computer. Kenney further describes that a "shopper at a computer or other suitable display device can move through the virtual shopping facility and see replicas of what would be seen in moving through the actual shopping facility." *Id.* (emphasis added). With reference to Figure 4 of Kenney, reproduced to the left, Kenney describes that "traveling through the store involves the programming of one or more of the computers 18, 20 to

determine the location of the shopper, access data, and display the retrieved data. ... One way to determine the location of the shopper in the store is via a cursor 34 displayed on the screen as shown in FIG. 4." *Id.* at col. 9, ll. 34-42. Accordingly, in the Kenney system, a user moves through a virtual store in the same manner as the user would walk through the actual store.

Pavlik

Pavlik discloses a "method of retail shopping" comprising "observing a static, dynamic, or other pre-defined electronic image or series thereof including store department-specific images." *Pavlik*, Abstract (emphasis added). Figure 9 of Pavlik,



reproduced above, illustrates “an ISS product display of search category (E6)(g), i.e., a store display site 52.” *Id.* at para. [0051] (emphasis added). Thus, Pavlik teaches that “a store display site 52” may be displayed to a customer.

With reference to Figures 10 and 11 of Pavlik, which are reproduced below, Pavlik describes that “[i]n FIG. 10 is shown a typical *product category display* 54 accessible under functions E4, E5 or E6 of the TOTALSHOP system. ... [S]uch visual displays/suggestions will randomly display product ideas 58 within a given category until the customer chooses to zoom upon one of the images 56 of FIG. 10 whereupon the GUI screen will shift to FIG. 11[.] ... Therein the shopper is able to focus upon aspects of the single product 53.” *Id.* at para. [0052]

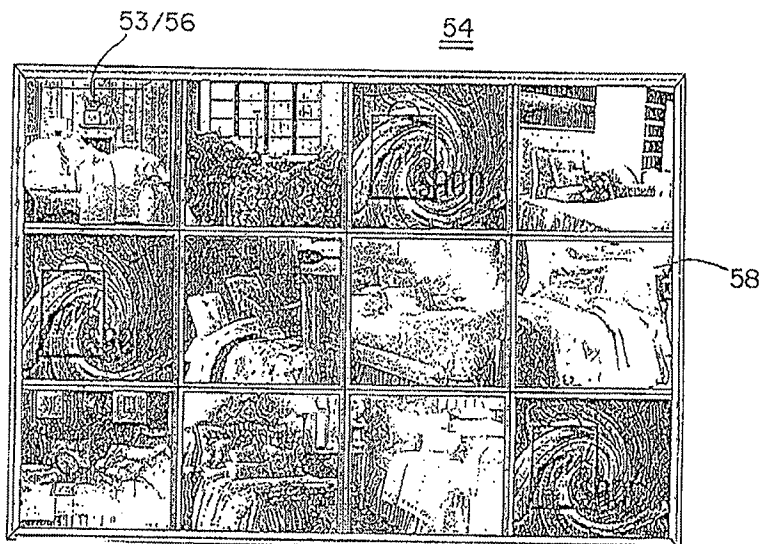


Fig. 10

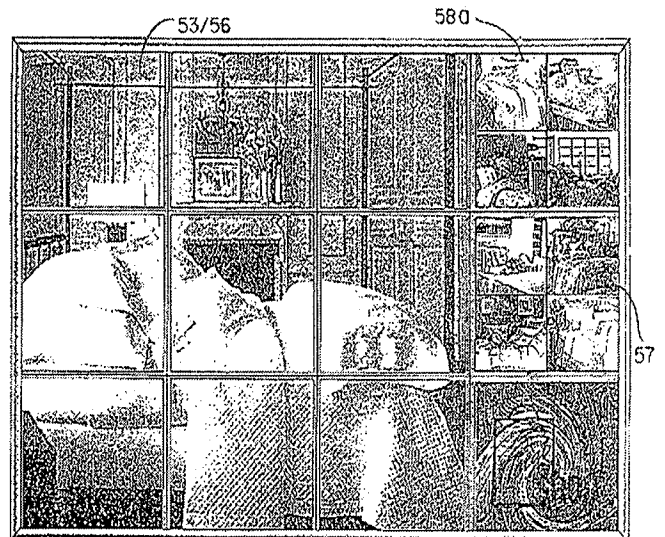


Fig. 11

(emphasis added). Thus, Pavlik appears to teach various displays of product category displays within a store. Finally, with reference to Figure 12 of Pavlik, reproduced below, Pavlik teaches that “In FIG. 12 is shown the ability of the system to zoom in upon a *particular area* 60 of a floor of the retail establishment.” *Id.* at para. [0053] (emphasis added). Again, Pavlik teaches viewing images of a retail establishment, such as product displays within the retail establishment.

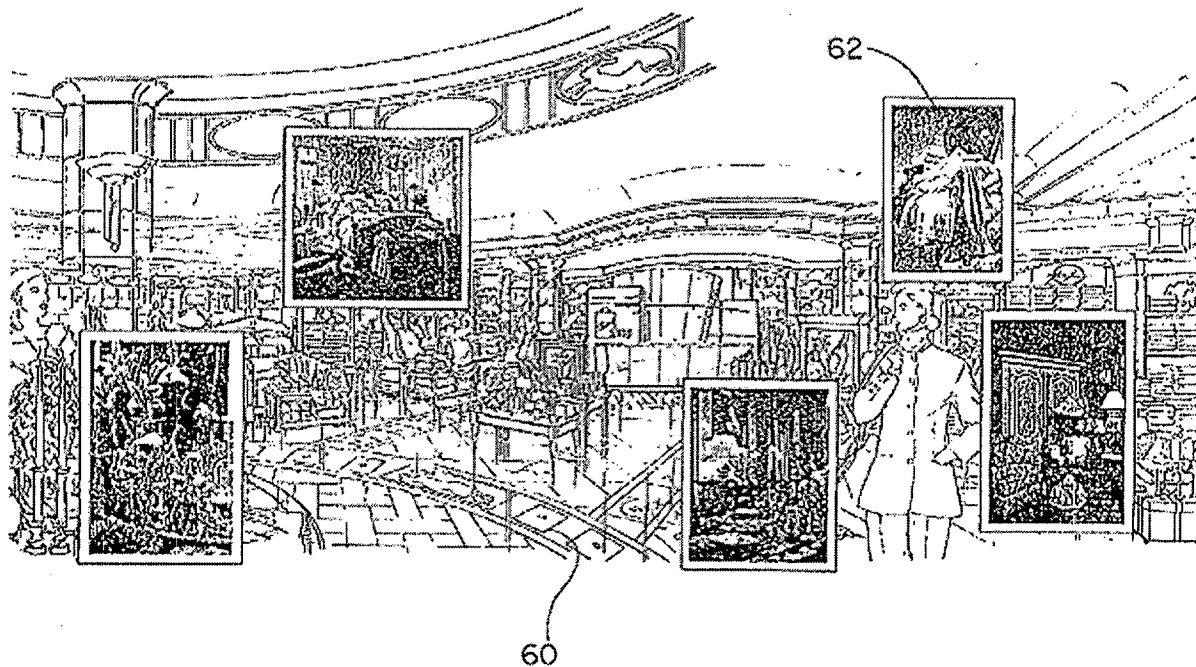


Fig. 12

#### Claims 1-7

In contrast to Kenney, amended Claim 1 recites “[a] merchandise locating system ... comprising: a display configured to present a graphical mapped image of a residential lot, the residential lot comprising at least a house and a landscape area adjacent at least a portion of the house, wherein the graphical mapped image comprises a representation of the house and the landscape area as viewed from outside the house.” Thus, Claim 1 recites that the display is configured to present “at least a house and a landscape area adjacent at least a portion of the house.” In contrast, Kenney fails to teach or suggest at least this feature. As noted above, Kenney discloses that a “virtual shopping facility” is displayed to the user, rather than a “house and a landscape area adjacent at least a portion of the house,” as recited in Claim 1. Pavlik fails to remedy this deficiency as Pavlik also fails to teach or suggest a display that is configured to present “at least a house and a landscape area adjacent at least a portion of the house.” As noted above, Pavlik describes various depictions of a “retail establishment” and of “product category displays” within the retail establishment, but fails to teach or suggest display of “at least a house and a landscape area adjacent at least a portion of the house,” as recited in Claim 1.

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Accordingly, Applicant respectfully asserts that Claim 1 is in condition for allowance over the cited art.

Claims 2-7 depend from Claim 1 and, therefore, include each of the limitations of Claim 1. Claims 2-7 are believed to be allowable over the cited art at least for the reasons discussed above with reference to Claim 1.

#### Claims 8-27

As noted above, Claims 8-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kenney, Pavlik, and Hoffman. Applicant respectfully request that this rejection is withdrawn for the reasons set forth below.

Hoffman is directed towards a “customer guidance system for retail store.” *Hoffman*, Title. In Hoffman, a “customer enters a product code indicative of the product in which the customer is interested. The system then retrieves product location information for the product. The retrieved product location information is presented to the customer.” *Id.* at Abstract. Thus, Hoffman appears to teach a system for providing consumers with the location of a product within a store, wherein the product is identified by the customer using a product code.

Amended Claim 8 recites, in pertinent part, a “system of locating merchandise in a store comprising a plurality of merchandise items, the system comprising: means for displaying a graphical mapped image of a residential lot comprising at least a house and a landscaping area proximate the house.” The cited art, alone and combination, fails to teach or suggest at least this feature. For example, Kenney describes “a virtual shopping facility” wherein the “shopper at a computer or other suitable display device can *move through the virtual shopping facility* and see replicas of *what would be seen in moving through the actual shopping facility*.” *Kenney*, Abstract (emphasis added). Pavlik describes various depictions of a “retail establishment” and of “product category displays” within the retail establishment, and Hoffman teaches a “customer guidance system for retail store.” *Hoffman*, Title. However, each of the cited references fails to teach or suggest “means for displaying a graphical mapped image of a residential lot comprising at least a house and a landscaping area proximate the house,” as recited in amended Claim 8 and, therefore, Applicant respectfully asserts that Claim 8 is in condition for allowance over the cited art.

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Amended Claim 11 recites a “method for locating merchandise located in a store, the method comprising: displaying a graphical mapped image of at least some exterior portions of a house.” The cited art fails to teach or suggest the display of “at least some exterior portions of a house,” as recited in Claim 11. Amended Claim 17 recites a “method of selecting merchandise available in a store ... comprising: displaying a first graphical mapped image ... depicting at least one of an exterior view of a house and a view of a plurality of rooms of the house.” The cited art fails to teach or suggest the display of “at least one of an exterior view of a house and a view of a plurality of rooms of the house,” as recited in Claim 17. Amended Claim 22 recites a “method comprising ... displaying a first graphical mapped image on a display, the first graphical mapped image ... depicting at least one of an exterior view of a house and a view of a plurality of rooms of the house.” The cited art fails to teach or suggest the display of “at least one of an exterior view of a house and a view of a plurality of rooms of the house,” as recited in Claim 22. Amended Claim 23 recites a “method of graphically identifying merchandise ... comprising: displaying a first graphical mapped image of an environment where merchandise is used, the first graphical mapped image comprising at least one of an exterior view of a house and a view of a plurality of rooms of the house.” The cited art fails to teach or suggest the display of a “at least one of an exterior view of a house and a view of a plurality of rooms of the house,” as recited in Claim 23. Claim 26 recites a “method of graphically identifying merchandise, the method comprising: displaying a residential lot image depicting at least a residence, the residential lot image comprising one or more lower level merchandise environments.” The cited art fails to teach or suggest the display of “a residential lot image depicting at least a residence,” as recited in Claim 26.

In contrast to the above noted recitations from Claims 11, 17, 22, 23, and 26, Kenney describes “a virtual shopping facility” wherein the “shopper at a computer or other suitable display device can *move through the virtual shopping facility* and see replicas of *what would be seen in moving through the actual shopping facility*.” Kenney, Abstract (emphasis added). Thus Kenney fails to teach or suggest at least the above-cited features of these claims. Pavlik fails to remedy the deficiencies in Kenney as Pavlik describes various depictions of a “retail establishment” and of “product category displays” within the retail establishment. Pavlik, Figures 9-12 and descriptions thereof. The further combination of Hoffman with Kenney and Pavlik still does not remedy the deficiencies of Kenney and Pavlik as Hoffman describes, for

example, that a “customer enters a product code indicative of the product in which the customer is interested. The system then retrieves product location information for the product. The retrieved product location information is presented to the customer.” *Hoffman* at Abstract. “The product location information may take the form of a map of the retail store in question, with the map having highlighted notations to indicate the locations of the products within the store.” *Id.*, para. [0025]. Thus, Hoffman describes a “map of the retail store,” Kenney describes a “virtual shopping facility,” and Pavlik describes various depictions of a retail establishment, such as product category displays within the retail establishment, rather than the graphical images recited in Claims 11, 17, 22, 23, and 26, as noted in the preceding paragraph. Accordingly, Applicant maintains that the cited art, alone and in combination, fails to teach or suggest at least these elements of Claims 11, 17, 22, 23, and 26.

Certain features of each pending independent claim have been discussed above. However, the discussed features are only a limited representation of the features that are believed to be patentable over the cited art. Furthermore, because a rejection under 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” and a rejection under 35 U.S.C. § 103 similarly requires that the references when combined teach or suggest all of the claim limitations, Applicant further asserts that the combinations of features in each claim are patentable over the cited art. *Verdegaal; M.P.E.P. § 2143*.

Claims 9-10 depend from Claim 8; Claims 12-16 depend from Claim 11; Claims 18-21 depend from Claim 17; Claims 24-25 depend from Claim 23; and Claim 27 depends from Claim 26. The dependent claims include each of the limitations of their respective base claims and are, therefore, believed to be allowable over the cited art at least for the reasons discussed above with reference to their respective based claims. Reconsideration of Claims 8-27 is respectfully requested.

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**Discussion of New Claims**

New Claim 28 has been added. Applicant submits that this claim is supported by the specification as filed and does not add new matter to the application. Furthermore, Applicant submits that the cited art fails to teach the combination of features in new Claim 28. Accordingly, consideration of Claim 28 is respectfully requested.



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Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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